

FILED TO COURT

**FILED**  
HARRISBURG, PA

AUG 22 2007

MARY E. D'ANDREA, CLERK  
Per *[Signature]*  
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:07-MC-0207
	)	
ERIC JON PHELPS,	)	
	)	
Defendant.	)	

**INTERROGATORIES PROPOUNDED  
BY DEFENDANT; FIRST SET**

PURSUANT to Rule 33 of the Federal Rules of Civil Procedure, the following Interrogatories are propounded to Revenue Agent Jim Vrabel, acting as the Plaintiff's chief witness in the above captioned matter. Answer the Interrogatories within thirty (30) days, in writing, under oath, and as otherwise provided by law or directed by this honorable Court.

1. State in detail (a) the identities of all the investigation agents on this case; (b) the date the investigation began; (c) the date any agents filed any reports; (d) the date the District Chief of the CID reviewed the recommendation; (e) the date the Regional Counsel made a referral; (f) the date of all summons issued.

2. Describe in detail the nature of any contacts relating to this investigation between the agents and the office of the Department of Justice.
3. State the name, official's title, and job description of the person or persons who initiated this investigation and the exact date the investigation was initiated.
4. Describe in detail the exact nature of the investigation against Defendant, the full scope thereto, the principal purpose and the expected results.
5. Identify all persons or parties who have been associated in this investigation, who may be associated, and who will see the results of this investigation.
6. Has the Criminal Investigation Division of the IRS been involved in the case? If so, for how long? Is the CID the principal division in this case?
7. Has any recommendation been made to the Department of Justice?
8. Has any decision been made as to making a recommendation to the Department of Justice? If so, when? If so, by whom?
9. State in detail the use, to the fullest extent, which the government will make of each document or information sought by the IRS in this case.
10. State which of these documents sought by the summons are needed for a civil investigation, which documents are needed for a criminal investigation, and which documents are for both.

11. Can any statement by Defendant on any document presented by him in this proceeding be used against Defendant in a criminal proceeding?
12. Does the IRS have the power to grant immunity against prosecution or to recommend immunity to the Department of Justice?
13. Has the government calculated or made any study on the assets of the Defendant?
14. List in detail the assets of the Defendant known to the government.
15. Has the IRS classified the Defendant as "judgment proof?"
16. Does the IRS expect to collect any funds of judgments against the Defendant?
17. Give the names, positions and job descriptions of all persons who assisted in furnishing answers to the Interrogatories.
18. Has a revenue agent been assigned to this case? If so, identify the Agent (or agents) and date he (they) were assigned duties.
19. If both a revenue agent and a special agent are assigned to this case, explain which one is in charge.
20. Explain, for each document or each type of document requested by the summonses, the expected use, the principal purpose or purposes for which the information is intended to be used.

21. Explain, for each document or each type of document sought, the relevance, use, or need in relation to a civil tax investigation.
22. Are any of the requested documents needed for only criminal tax investigations, i.e., have no bearing on a civil tax audit?
23. Has the IRS made any effort to collect the information sought by the summonses in this case to the greatest extent practicable directly from Defendant?
24. When Defendant appeared at the IRS Summons before Revenue Agents Jim Vrabel and Carl Butler on April 6, 2007, Defendant posed the question: "Am I presently under an IRS criminal investigation." The answer of Agent Butler was indirect, he stating that this was a civil summons but refused to state that Defendant was not under criminal investigation. At the time of this meeting, was Defendant under criminal investigation?
25. Explain the course of the investigation against the Defendant. How many other record keepers of Defendant have been contacted? Identify them.
26. Identify all documents sought and/or provided from other record keepers. Have any personal contacts been made by the IRS agents to persons who might have information on Defendant? If so, identify those persons contacted.
27. Have any IRS agents, during the course of investigation of the Defendant, collected any written or recorded statement or affidavits from any persons? If so, identify the persons providing statements and

affidavits. Identify each statement/affidavit. Identify all government employees who were given copies of any such statement to read or examine.

28. Are any of the documents sought by the IRS already in its possession? If so, which ones?

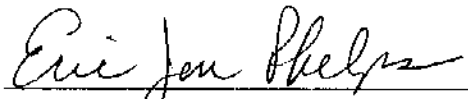
29. Has the agent who issued the summons contacted any witness or other third party seeking information on Defendant? If so, did he explain to that party that taxpayer is under investigation? If so, what type of investigation?

30. Have any other Federal agencies or agents been involved in this investigation? If so, identify them.

31. Have any other Federal agencies or agents requested information or documents concerning Defendant? If so, explain the nature of the request, identify the documents sought and the documents furnished. Identify the requestor.

These Interrogatories are continuing in nature and you are to furnish updates and new information as you receive it.

I do hereby certify that on this date I sent a copy of this pleading  
to opposing council by First Class U.S. Mail.



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